

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

MAR 1 2004

LUTHER L. THOMAS, Clerk
By: *F. Pinckney* Deputy Clerk

LARRY WHISTLER)
a/k/a LARRY ZBYSZKO)
a/k/a THE LIVING LEGEND,)
an individual,)

Plaintiff,)

v.)

WORLD WRESTLING FEDERATION)
ENTERTAINMENT, INC., a Delaware)
Corporation,)

Defendant.)

Civil Action

No. 1-02-CV-1008 -CC

PLAINTIFF'S MOTION FOR LEAVE TO EXCEED 25-PAGE LIMIT

Pursuant to Local Rule 7.1(D), Larry Whistler a/k/a Larry Zbyszko a/k/a The Living Legend (hereinafter "Plaintiff") seeks permission to exceed the Court's 25-page limit for its response to Defendant's motion for summary judgment on trademark-related issues and its response to Defendant's motion for summary judgment on the basis of judicial estoppel. In support thereof, Plaintiff states as follows:

1. On February 9, 2004, Defendant filed for summary judgment on all claims asserted by Plaintiff.

2. On the very same day, Defendant also filed a motion for leave to exceed the Court's 25-page limit.

3. In Defendant's motion for leave to exceed the Court's 25-page limit, Defendant asserted that an additional, unexpected basis for moving for summary judgment arose at Plaintiff's deposition taken on January 19-20, 2004. Defendant alleged that it had just learned that Plaintiff filed for Chapter 7 bankruptcy protection approximately 9 months after the filing of this lawsuit.

4. Defendant further asserted that since the bankruptcy-related issue is wholly factually and legally distinct from the trademark-related issues, Defendant filed an additional memorandum of law on the bankruptcy-related issue.

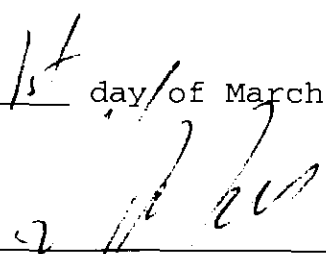
5. On February 18, 2004, this Court granted Defendant's motion for leave to exceed the Court's 25-page limit.

6. Plaintiff believes that justice and fairness require that Plaintiff be allowed an additional ten (10) pages in

order to respond to Defendant's 25-page Memorandum of Law in Support of Motion for Summary Judgment on Trademark-Related Issues, and Defendant's 10-page Memorandum of Law in Support of Motion for Summary Judgment on the Basis of Judicial Estoppel.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to permit Plaintiff to file a Response to Defendant's Memorandum of Law in Support of Motion for Summary Judgment on Trademark-Related Issues of twenty-five (25) pages and a Response to Defendant's Memorandum of Law in Support of Motion for Summary Judgment on the Basis of Judicial Estoppel of ten (10) pages.

Respectfully submitted this 1st day of March, 2004.



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CERTIFICATION

Pursuant to Local Rule 7.1D, counsel for Plaintiff hereby certifies that this Motion has been prepared with Courier New Font (12 point).

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LARRY WHISTLER)	
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an individual,)	
)	
Plaintiff,)	
)	Civil Action
)	No. 1-02-CV-1008
v.)	
)	
WORLD WRESTLING FEDERATION)	
ENTERTAINMENT, INC., a Delaware)	
Corporation,)	
)	
Defendant.)	

ORDER

AND NOW this ____ day of March, 2004, it is hereby ORDERED that Plaintiff's Motion For Leave To Exceed 25-Page Limit is GRANTED. Plaintiff is permitted to file a Response to Defendant's Memorandum of Law in Support of Motion for Summary Judgment on Trademark-Related Issues of 25 pages, and a Response to Defendant's Memorandum of Law in Support of Motion for Summary Judgment on the Basis of Judicial Estoppel of 10 pages.

**IN THE UNITED STATES DISTRICT COURT
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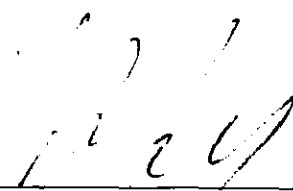
LARRY WHISTLER)	
a/k/a LARRY ZBYSZKO)	
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)	No. 1 02-CV-1008
v.)	
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WORLD WRESTLING FEDERATION)	
ENTERTAINMENT, INC., a Delaware)	
Corporation,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

A copy of the PLAINTIFF'S MOTION FOR LEAVE TO EXCEED 25-PAGE LIMIT was served by First Class U.S. Mail upon the following:

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This 1st day of March, 2004.



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